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09/653,888	09/01/2000	Thomas Anthony Cofino	YOR920000607US1	5996

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,888

Applicant(s)

COFINO ET AL.

Examiner

Rob Rhode

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 9, 11 - 20 and 22 - 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 9, 11 - 20 and 22 - 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-26-2004 has been entered.

Response to Amendment

Applicant amendment of 5-26-2004 and canceled claims 2, 10 and 21 as well as traversed rejections of Claims 1, 3 – 9, 11 – 20 and 22 - 36.

Currently, claims 1, 3 – 9, 11 – 20 and 22 - 36 are pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3 – 9, 11 – 20 and 22 - 36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 20 of copending Application No. 09/654,202. Although the conflicting claims are not identical, they are not patentably distinct from each other because they address online shopping, use of server logs and micro-conversions techniques comprising a parallel coordinate method and one or more extension components.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4 – 7, 9, 11, 12, 14 – 20 and 22 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenig (US 6,286,030 B1) in view of Yaginuma (US 6,477,538 B2).

Regarding claim 1 (Previously Presented) and related claims 23 (Previously Presented) and 30 (Previously Presented), Wenig teaches a method of graphically representing clickstream data of a shopping session on a network comprising: where Wenig teaches extracting one or more shopping sessions from one or more Web server logs of one or

more Web server systems of one or more online stores (see at least Abstract and Col 4, lines 27 – 40); deriving one or more micro-conversions from the one or more shopping sessions, the micro-conversion comprising a shopper's conversion from one shopping step to another (see at least Col 5, lines 3 – 13).

While Wenig does disclose visual displays of online shoppers session, the reference does not specifically disclose and teach graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends.

On the other hand, Yaginuma does teach graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends (see at least Abstract, Col 2, lines 13 – 43, Col 7, lines 1 – 11, Col 12, lines 25 – 27 and Figures 19, 21 and 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Wenig with the method and system of Yaginuma to have enabled a method of graphically representing clickstream data of a shopping session on a network comprising: extracting one or more shopping sessions from one or more Web server logs of one or more Web server systems of one or more online stores; deriving one or more micro-conversions from the one or more shopping sessions, the micro-conversion comprising a shopper's conversion from one shopping step to another; graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends - in order to enable the web site owner to more fully understand the areas/pages and online process, which require improvement. Wenig discloses a method and system capable of graphically representing clickstream data of a shopping session on a network comprising: extracting one or more shopping sessions from one or more Web server logs of one or more Web server systems of one or more online stores; deriving one or more micro-conversions from the one or more shopping sessions, the micro-conversion comprising a shopper's conversion from one shopping step to another (see at least Abstract, Col 4, lines 27 – 40 and Col 5, lines 3 – 13). Yaginuma discloses a method and system capable of graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three

axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends (see at least Abstract, Col 2, lines 13 – 43, Col 7, lines 1 – 11, Col 12, lines 25 – 27 and Figures 19, 21 and 33). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Wenig with a method and system for graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends. Thus, this understanding of where improvements are needed will be important to pin pointing the enhancements for improving the site visitor/shopper experience. In this manner, the improvements will ease their review of information of site information and enable a better experience at the site for the online shopper's - selecting and purchasing. In that regard, these improvements will increase customer satisfaction and increase the probability of the individual(s) returning to the site again to purchase or search for additional information as well as recommend the site to others.

Regarding claim 4 (Previously Presented), Wenig teaches a method, where the clickstream data is a collection of micro-conversions of one or more shoppers for at

least one of products and services sold in at least one online store (see at least Abstract, Col 5, lines 3 – 13).

Regarding claim 5 (Previously Presented), Yaginuma teaches a method, where the first visualization comprises a parallel coordinate system and one or more extension components including one or more parallel axes of sequential events, one or more dependent variable values of one or more filters, one or more timestamps, categorizers, and one or more hyperlink associations (see at least Col 5, lines 56 – 67 and Figures 1 – 3). Please note that the sequential events as taught by Wenig are shopping steps in an e-commerce environment (see at least Col 5, lines 6 – 13) and at each step (i.e. micro-conversion) of the online shopping process clickstream data is captured (Figures 1 and 2). In turn, the method and system of Yaginuma teach a method and system to provide a visualization comprising one or more parallel axes by extracting the stored data of Wenig and visually presenting this data sequentially as noted above in claim 1. While the applicant argues the Yaginuma's reference only addresses dependent data provided by the categorizer, the references as addressed above in combination does provide the capability to visually presented the dependent data/clickstream data as taught by Wenig on at least three axes and as taught by Yaginuma. In that regard and addressed above, Wenig teaches the capture and storing of the clickstream data and in turn Yaginuma visually presents the sequential data, which is dependent upon the shopper actively selecting the next appropriate step in the process. For example, if the shopper did not click/select the next step in the shopping process, there would not be

any data/clickstream data to capture at the predefined axes point available for the method and system of Yaginuma. Thereby, the depended/sequential data is extracted from the database (of Wenig) and as taught by Yaginuma the steps/defined by each axis will be correctly represented the sequential steps and dependent steps in the online shopping process (see at least Figures 1 - 5 and Col 2, lines 20 – 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Wenig with the method and system of Yaginuum to have enabled the first visualization to comprises a parallel coordinate system and one or more extension components including one or more parallel axes of sequential events, one or more dependent variable values of one or more filters – in order to display the events and select steps for each online shopper.

Regarding claim 6 (Previously Amended), Yaginuum teaches where the parallel coordinate system comprises a series of parallel lines that are placed equidistantly, each parallel line representing a specific dependent variable and dependent variable values being plotted along a respective axis, and an independent variable that is represented by polygonal lines connecting the corresponding dependent variable values (see at least Abstract, Col 1, lines 16 – 43, Col 6, lines 30 – 34 and Col 12, lines 24 – 27 and Figures 6 and 19).

Regarding claim 7 (Previously Presented), Yaginuma teaches a method where the parallel axes of sequential events is an assignment of a series of sequential events to parallel lines in a parallel coordinate system (Col 7, lines 25 – 28).

Regarding claim 9 (Previously Presented), Yaginuma teaches a method, where the dependent variable values of timestamps is an assignment of timestamp values as data points to a series of sequential events that are assigned to the equal number of parallel axes in a parallel coordinate system (Col 12, lines 20 – 30 and Figure 33).

Regarding claim 11 (Previously Amended), Yaginuma teaches a method, where the filter is a means to select one or more groups of polygonal lines viewed in the parallel coordinate system (Col 7, lines 19 – 29 and Figures 32 and 35).

Regarding claim 12 (Previously Amended), Yaginuma teaches a method, where the categorizer is a parallel axis in the parallel coordinate system for categorizing polygonal lines in the system (Col 5, lines 63 – 67 and Figures 1 – 6 and 19).

Regarding claim 14 (Previously Presented) and related claims 18 (Previously Amended) and claims 26 and 33 (Previously Presented), Yaginuma teaches a method, where the hyperlink association is association of at least one hyperlink with the line representing a session, and the line comprises a hyperlink to a Web page that provides additional information of the session.

Regarding claim 15 (Previously Presented) and related claim 24 (Previously Presented) and 31 (Previously Presented), Yaginuma teaches a method, wherein at least the first visualization represents, via dropouts of one or more lines, where the online store loses customers (see at least Figure 32 and regarding "terminating lines" below).

Regarding claim 16 (Previously Presented), Yaginuma teaches a method, wherein the at least one alternate visualization comprises a filter for selecting at least one group of sessions (Figure 32).

Regarding claim 17 (Previously Presented), Yaginuma teaches a method, wherein the at least one alternate visualization comprises sessions of different shoppers categorized by one or more values of a categorizer axis, as compared to the first visualization (Figures 1 – 4 and 19 – 21).

Regarding claim 19 (Previously Presented), Yaginuma teaches a method, further comprising displaying a stored visualization representing a first time and a stored visualization representing a second time (Col 6, lines 1 – 7 and Figures 6 and 7).

Regarding claim 20 (Previously Presented, Wenig teaches a method further comprising modifying at least one of Web design, navigation paths of the online store,

advertisement banners, product layouts, service layouts, marketing and merchandising based on at least one of the visualizations (Col 2, lines 1 – 12).

Regarding claim 22 (Previously Presented), Yaginuma teaches a method further comprising: graphically representing one or more variations of the clickstream data in at least one alternate visualization in response to a request (Col 2, lines 13 – 44 and Figures 6, 7 and 9); storing at least one of the first and the alternate visualizations in at least one computer memory (Col 6, lines 1 – 7 and Figure 53); retrieving at least one of the first and the alternate visualizations from the at least one computer memory (Col 6, lines 1 – 7 and Figures 52 and 53); and graphically comparing at least two of the first and the alternate visualizations retrieved from the at least one computer memory (Col 6, lines 1 – 7 and Figure 19).

Regarding claim 25 (Previously Presented), Yaginuma teaches a method further including: receiving over the network data relating to a second virtual path that one or more other customers followed through one or more online stores; wherein the means to visualize further comprises a graphical representation of the second virtual path as a second line that intersects all of the axes (Figures 1 – 6).

Regarding claim 27 (Previously Presented) and related claim 34 (Previously Presented), Yaginuma teaches a method further comprising providing the user with one or more filters by which to dynamically change the graphical representation (Figures 6 and 7).

Regarding claim 28 (Previously Presented) and related claim 35 (Previously Presented), Yaginuma teaches a method wherein the filter dynamically changes the graphical representation based on at least one of the following aspects of the virtual path: hierarchical browsing, keyword search, parametric search, and recommendations (Figures 1 – 4).

Regarding claim 29 (Previously Presented) and related claim 36 (Previously Presented), Wenig teaches a method wherein the graphical representation is provided to the user over a network (Col 1, lines 42 – 47).

Regarding claim 32 (Previously Presented), Yaginuma teaches a system wherein the clickstream data further represents a second virtual path that a separate one or more third parties followed through the internet, and wherein the means to visualize further comprises a graphical representation of the second virtual path as a second line plotted against the axes (Figures 1 – 7).

Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Wenig (US 6,286,030 B1) and Yaginuma (US 6,477,538 B2) as applied to claims 2, 7, 12 and 1 above, and further in view of Hunt (US 6,223,215 B1).

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The combination of Wenig and Yaginuma substantially disclose and teach the applicant's invention.

On the other hand, the combination does not specifically disclose and teach where the shopping steps include a product impression that is the a view of a hyperlink to a Web page presenting one of a product or and service, a clickthrough that is a click on the hyperlink and view of the Web page of the product or service, a basket placement that is the a placement of the one of the product and service item in the a shopping basket, and a purchase that is the a purchase of the one of the product and service; where the sequential events include any one or more at least one of the following: one or more steps of shopping in one or more stores, one or more product development steps, and one or more service development steps and where the categorizer includes one or more at least one of the following: the referrer Web sites of sessions, internet service providers of sessions, lengths of sessions, methods used to find product information by sessions, methods used to find service information by sessions, products viewed, services viewed items placed in a shopping cart, items purchased by sessions, time points of sessions, the geographic regions where sessions originated, the ages, sex, education, and income of owners of session originators, sales history of the owners of sessions, and Web page patterns accessed by one of sessions the and owners of sessions.

On the other hand and regarding claim 3 (Previously Presented), Hunt teaches a method, where the shopping steps include a product impression that is the a view of a hyperlink to a Web page presenting one of a product or and service, a clickthrough that is a click on the hyperlink and view of the Web page of the product or service, a basket placement that is the a placement of the one of the product and service item in the a shopping basket, and a purchase that is the a purchase of the one of the product and service (see at least Col 1, lines 49 – 52, Col 2, lines 18 – 31, Col 8, line 52 and Figure 2).

Regarding claim 8 (Previously Presented), Hunt teaches a method where the sequential events include any one or more at least one of the following: one or more steps of shopping in one or more stores, one or more product development steps, and one or more service development steps (see at least Col 2, lines 18 – 21).

Regarding claim 13 (Previously Presented), Hunt teaches a method, where the categorizer includes one or more at least one of the following: the referrer Web sites of sessions, internet service providers of sessions, lengths of sessions, methods used to find product information by sessions, methods used to find service information by sessions, products viewed, services viewed items placed in a shopping cart, items purchased by sessions, time points of sessions, the geographic regions where sessions originated, the ages, sex, education, and income of owners of session originators, sales history of the owners of sessions, and Web page patterns accessed by one of

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sessions the and owners of sessions (see at least Col 2, lines 8 - 20, Col 5, lines 47 – 65 and Figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Wenig and Yaginuam with the method of Hunt to have enabled where the shopping steps include a product impression that is the a view of a hyperlink to a Web page presenting one of a product or and service, a clickthrough that is a click on the hyperlink and view of the Web page of the product or service, a basket placement that is the a placement of the one of the product and service item in the a shopping basket, and a purchase that is the a purchase of the one of the product and service; where the sequential events include any one or more at least one of the following: one or more steps of shopping in one or more stores, one or more product development steps, and one or more service development steps and where the categorizer includes one or more at least one of the following: the referrer Web sites of sessions, internet service providers of sessions, lengths of sessions, methods used to find product information by sessions, methods used to find service information by sessions, products viewed, services viewed items placed in a shopping cart, items purchased by sessions, time points of sessions, the geographic regions where sessions originated, the ages, sex, education, and income of owners of session originators, sales history of the owners of sessions – in order to in order to more fully understand both the origin of the shopper/visitor and to ensure that the on-line and off-line business processes fully support each shopper/visitors requirements. The combination of Wenig

and Yaginuma disclose a method and system for of graphically representing clickstream data of a shopping session on a network comprising: where Wenig teaches extracting one or more shopping sessions from one or more Web server logs of one or more Web server systems of one or more online stores; deriving one or more micro-conversions from the one or more shopping sessions, the micro-conversion comprising a shopper's conversion from one shopping step to another; and graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends. Hunt teaches a method where the shopping steps include a product impression that is the a view of a hyperlink to a Web page presenting one of a product or and service, a clickthrough that is a click on the hyperlink and view of the Web page of the product or service, a basket placement that is the a placement of the one of the product and service item in the a shopping basket, and a purchase that is the a purchase of the one of the product and service; where the sequential events include any one or more at least one of the following: one or more steps of shopping in one or more stores, one or more product development steps, and one or more service development steps and where the categorizer includes one or more at least one of the following: the referrer Web sites of sessions, internet service providers of sessions, lengths of sessions, methods used to find product information by sessions, methods used to find service information by sessions, products viewed,

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services viewed items placed in a shopping cart, items purchased by sessions, time points of sessions, the geographic regions where sessions originated, the ages, sex, education, and income of owners of session originators, sales history of the owners of sessions, and Web page patterns accessed by one of sessions the and owners of sessions (Abstract, Col 2, lines 8 - 20, Col 5, lines 47 – 65 and Figure 3). Therefore, one of ordinary skill in that art would have been motivated to extend the combination of Wenig and Yaginuma with a method where the shopping steps include a product impression that is the a view of a hyperlink to a Web page presenting one of a product or and service, a clickthrough that is a click on the hyperlink and view of the Web page of the product or service, a basket placement that is the a placement of the one of the product and service item in the a shopping basket, and a purchase that is the a purchase of the one of the product and service; where the sequential events include any one or more at least one of the following: one or more steps of shopping in one or more stores, one or more product development steps, and one or more service development steps and where the categorizer includes one or more at least one of the following: the referrer Web sites of sessions, internet service providers of sessions, lengths of sessions, methods used to find product information by sessions, methods used to find service information by sessions, products viewed, services viewed items placed in a shopping cart, items purchased by sessions, time points of sessions, the geographic regions where sessions originated, the ages, sex, education, and income of owners of session originators, sales history of the owners of sessions, and Web page patterns accessed by one of sessions the and owners of sessions. In this regard, the ease of

purchasing is significantly increased providing the purchaser with a more personal and pleasant experience thereby increasing their level of satisfaction with the site as well improving the probability that they will return again. Moreover, it would have provided a better understanding and targeting of advertisement campaigns for the site.

Response to Arguments

Applicant's arguments filed 5-26-2004 have been fully considered but they are not persuasive.

Applicant argues that neither Wenig nor Yaginuma teach a "visualization of three axes representing shopping steps" element (B) as well including "in the stored data a micro-conversion comprising shopping steps".

For clarification, the language of claim 1 regarding axes is "at least three axes" and thereby not limiting to just "three axes". Additionally, Wenig and Yaginuma are explicit in displaying for visualizations of shopping sessions (Wenig – Abstract), which is stored data and displaying for management to achieve understanding (Yaginuma – Abstract and Col 2, lines 13 – 15).

First, Wenig was the reference that fairly suggests and teaches one of ordinary skill in the art that the Applicant's "micro-conversion" comprises the shopping steps such as purchasing that a shopper executes at site. In that regard, each "micro-conversion" consists of various captured and stored data points (i.e. shopping steps) as the shopper navigates the site during the session. In turn, the "micro-conversion data" is captured and stored in a web server log for each user's shopping steps during a single

shopping session at the site (Abstract and Figure 1). For example, Wenig teaches that it is important to gain information on a site visitors navigation through a site and what products were viewed as well as active steps recorded (i.e. "micro-conversion") for each shopping session(s) - such as ordering (i.e. "purchase") [Abstract, Col 1, lines 27 – 50 and Col 2, line 5]. Moreover, Wenig discloses and teaches, "extracting one or more shopping sessions" (Col 1, lines 47 – 50). Furthermore, the Applicant in the their response at page 11 defines that a "micro-conversion" means a shopper's conversion from one shopping step to another. In this regard, Wenig teaches that once the shoppers moves to a next step (i.e. data point), the shopper clicks on, for example an order button to purchase, which is captured and stored in a web server log for each user session (see at least Abstract, Col 1, lines 27 – 50 and Figure 1). In this manner, Wenig would fairly suggest and teach, "deriving one or more micro-conversions from one or more shopping sessions" (see at least Col 1, lines 51 – 67, Col 2, lines 1 – 2 and Figure 1). Of note, these shopping sessions consist of captured and stored data of a shopper's session and are stored as the shopper clicks on (i.e. converting) to the next action step/data point. Thereby, the data captured and stored by Wenig as disclosed, claimed and argued are in the form of non-functional descriptive material (MPEP 2106). Moreover, non-functional descriptive material is given little patentable weight. In that regard, the shopping steps as taught by Wenig are captured and stored for each shopper's shopping session and thereby is recorded/stored data, which is considered to be non-functional descriptive material. This stored data in online methods and systems with specifics such as a kind/type of recorded data (i.e. shopping step) are given little

patentable weight. The word(s) or phrase(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Wenig. Thereby, the non-fictional descriptive material is directed only to the content of the data (. i.e. shopping steps - which is stored data) and does not affect either the structure or method/process of Wenig, which leaves the method and system unchanged. Therefore, Wenig teaches "extracting one or more shopping sessions from one or more Web server logs of one or more Web server systems of one or more online stores (see at least Abstract, Col 4, lines 27 – 40 and Figure 1); deriving one or more micro-conversions from the one or more shopping sessions, the micro-conversion comprising a shopper's conversion from one shopping step to another" (see at least Col 5, lines 3 – 13).

Second and regarding the arguments relative to element (B) "visualization of three axes representing shopping steps", Wenig as noted above discloses and teaches the capturing and storing of the "shopping steps", which is stored data for each micro-conversion of the online shopper. In turn, Yaginuma discloses extracting the stored data from the web log server session disclosed by Wenig via a data mining process and displays the results of the data mining process - as multi-dimensional data in a graphical format for ease of understanding (Abstract, Col 1, lines 11 – 65, and Figures 1 – 6, 14, 19 and 32). Moreover, Yaginuma teaches further that a "micro-conversion/data" table consisting of data from the recorded and stored method and system of Wenig is generated (Figure 5). The data is then displayed to the user in a more meaningful

format (Figure 6) as result of the data mining process. In this regard, Yaginuma teaches a method and system that extracts, sorts and correlates the correct target data disclosed by Wenig for each shopping step (i.e. micro-conversion) in a session, which is stored data and maps it into the correct field (i.e. axis) [Col 1, lines 31 – 33, Col 4, lines 53 – 57 and lines 63 – 67, Col 5, lines 1 – 19 and Figure 6]. Of note, Yaginuma further discloses and teaches that user can specify the number of axes as required to display the data in a more meaningful manner (Col 2, lines 13 – 15 and Col 6, lines 28 – 31). While Yaginuma does provide examples of displays, these are just that - examples. The method and system of Yaginuma is very robust and is capable of displaying only the data stored by the method and system of Wenig. For example, Wenig has only stored data points for each shopper's session. In turn, Yaginuma would teach one of ordinary skill in the art of operating via a data mining process on this data and displaying graphically the data representing the captured shopping steps (i.e. clickstream data) of a shopper's session. Thereby, Yaginuma can only operate and display information contained in the web server log of Wenig and that this data is displayed on "at least three axes" (Col 6, lines 57 – 58 and Figures 1 - 6).

Applicant argues with respect to element C that Yaginuma does not teach, "displaying a line that intersects less than all parallel axis".

Regarding arguments relative to element (C), Yaginuma is not limited to a specific data-mining engine and data mining is a technology for extracting useful information for business purposes, which provides the capability for deriving trends,

patterns and correlations from collected/recorded data (Col 1, lines 28 – 43). Further and as taught by Wenig, the online shoppers various steps are recorded and stored as data for future business analysis including visual displays (Abstract, Col 1, lines 26 - 57, Col 4, lines 41 – 56 and Figures 1 and 2). Moreover, Wenig teaches one of ordinary skill in the art that a shopping session would include terminating at or before another step (i.e. purchase/order) during the online shopping process. For example, the online shopper terminating the session before the purchase. In that regard and at that shopping step/point of termination, there would not be further data collected, recorded and stored by Wenig for this shopper's session. Thereby, Yaginuam would not have any recorded/stored data in order to employ a datamining engine for deriving correlations to map to the appropriate axes and therefore would *not* be able to continue the line(s). This is because there is no data to plot on the next axis of Yaginuam - since the shopper has terminated their session and therefore the "line (s)" would drop out and "intersect less than all the axes". Furthermore, Yaginuam does teach one of ordinary skill in the art that the lines – "intersect less than all the axes" (Figure 32 and particularly the line with 0.20 below). Thus, Yaginuam teaches a method for "graphically representing clickstream data from one or more micro-conversions in a first visualization, the first visualization comprising at least three axes representing shopping steps and one or more lines that each correspond to at least one said shopping session at least one of the one or more lines intersecting less than all of the axes and terminating at the axis wherein the at least one said shopping session ends (see at least

Abstract, Col 2, lines 13 – 43, Col 7, lines 1 – 11, Col 12, lines 25 – 27 and Figures 19, 21 and 32)".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

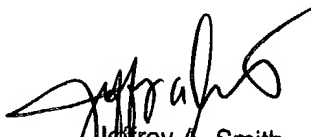
or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER


Jeffrey A. Smith
Primary Examiner